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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No. 3-06-70022 JCS
17 Plaintiff,) [PROPOSED] ORDER AND
18 v.) STIPULATION EXTENDING TIME
19 RALPHRYAN MERCY PIOL,) UNDER RULE 5.1
20 aka Rodolfo Awa Piol,
21 Defendant.)
22 _____

23 The parties stipulate and agree, and the Court finds and holds, as follows:

24 1. The parties initially appeared on the instant matter January 17, 2006 for defendant's
25 initial appearance on the complaint, and thereafter appeared on January 20, 2006 for defendant's
26 detention hearing. On January 20, 2006, the matter was continued until January 31, 2006 for
27 arraignment/preliminary hearing. On January 31, 2006, the arraignment was continued to
28 February 7, 2006.

29 2. On January 31, 2006, Assistant Federal Public Defender Daniel Blank, who represents
30 the defendant, requested an extension of time from January 31, 2006 to February 7, 2006, based
31 on effective preparation and continuity of counsel. The defendant agreed to an extension of time
32 for the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d). The parties agree

that the time from January 31, 2006 to February 7, 2006 should be extended under Rule 5.1(d).

3. In light of the foregoing facts, the failure to grant the requested extension would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The ends of justice would be served by the Court extending the proposed time period. These ends outweigh the best interest of the public and the defendant in a timely arraignment and a speedy trial.

4. For the reasons stated, the time period from January 31, 2006 through February 7, 2006 is extended under Rule 5.1(d).

IT IS SO STIPULATED.

DATED:

Respectfully Submitted,

NAHLA RAJAN
Special Assistant United States Attorney
/S/

DATED:

/S/
DANIEL BLANK
Counsel for Ralphryan Mercy Piol

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 3, 2006


HONORABLE JOSEPH C. SPERO
United States Magistrate Judge